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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,458	01/25/2001	Reiner Kraft	ARC920000101US1	3946
26381	7590	07/14/2004	EXAMINER	
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			JACKSON, ANDRE L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/768,458

Applicant(s)

KRAFT ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-10, 12, 15-17, 19-28, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,381,578 to DeMarcken. DeMarcken discloses an airline travel system (10) and method for enhancing sales for service providers (commercial airlines) by utilizing an opportunistic approach based on a schedule of service, the system and method comprising;

an event retriever (12), the event retriever generating an event pair which comprises a target value and an actual value associated with a schedule of services (col. 3, lines 8-22); an event observer (20a, 20b), the event observer receiving the event pair from the event retriever, calculating the difference between the actual and target values and base on one or more rules from a first set of rules (ATPCO), identifying an notifying a window of opportunity detector (30a-30c) via remote resources (21a, 21b) regarding potential windows of opportunities, wherein each potential window of opportunity defines a time period of customer inquiry (col. 3, lines 24-40); the window of opportunity detector, which receives the potential windows of opportunities, detects, based on one or more rules from a set of second rules (18) stored in rule database (34), if an opportunity

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exists, and if so, matches the detected windows of opportunities with the service providers for the purpose of providing airline pricing information and airline schedule information of a plurality of competing service providers in response to the customer's inquiry (col. 3, lines 42-62).

As to claim 5 and 23, DeMarcken (Figs. 8A and 8B) discloses that the threshold rule is general rules that govern and determines the variables associated with the actual and target values based upon the particular inquiry by the customer (cols. 15 and 16, lines 1-67).

As to claim 7, 9, 19, 22, 26, 32, event data regarding monitoring, tracking, updates, times and location information is processed via a scheduler process or e-calendar system (16) for all of the itineraries of the service providers (col. 4, lines 5-20).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 13, 18, and 29- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken. Although DeMarcken discloses that the data transmitted between the major components is encoded data over a number of communication links well known within the art including the Internet, DeMarcken does not specifically disclose that this data schema is document type definition (DTD) or extensible markup

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language (XML). It is well known within the art that the wide spread growth of the Internet has yielded a need to create data expansion driven software designed to present increased user-friendly interfaces (i.e. DTD, XML, WML). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include XML or DTD schema within the airline travel system of DeMarcken to provide a travel information system including software offering trouble-free business- to- business practicality.

As to claim 11, DeMarcken discloses that the system further includes a server processor (15) or "enhanced gatherer" / "retriever" of information from the computer platforms of the various transit systems; however, DeMarcken does not disclose that the processor is a web crawler as claimed. However, it is obvious to one having ordinary skill in the art that the operation to retrieve, interpret and execute data obtained from the computer platforms of the transit systems, achieve the same end result as applicant's web crawler and, since no new or unexpected result is achieved, the processor disclosed by DeMarcken operates equally as well.

### **Response to Applicant's Arguments**

Applicant's request for reconsideration filed in the Appeals Brief on May 3, 2004 of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. In response to applicant's remarks within the brief and reconsideration of the claims on the merits, #6,381,578 to DeMarcken has been cited which defines a system which broadly and reasonably meets applicant's claimed limitations. Accordingly, claims 1-13 and 15-33 are found to be unpatentable over DeMarcken.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Yu et al (6,314,361), Okayama et al (6,249,767) and DeLorme et al (5,948,040) all disclose electronic reservation systems and methods which include databases and communication links which receives, monitor, and present solutions to changes of schedules of events planned or used by a customer to provide alternatives or options to benefit the customer and enhance sales of goods or services of providers directly or indirectly engaged with the customers original plans or schedule.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALJ

André L. Jackson  
AU 3677**ROBERT J. SANDY**  
**PRIMARY EXAMINER**